IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Original Jurisdiction

Dated: Nainital the 7th day **of** August 2002

Criminal Misc. Bail II Application No. 749 of 2002

Order on the II Bail Application of the accused –Sunil Kumar S/o Sri Rampal Singh, Resident of Village Aghyana P.S. Nakur district Saharanpur

CRIMINAL SIDE

Sunil Kumar S/o Sri Rampal Singh, Resident of Village Aghyana P.S. Nakur district Saharanpur……Accused

Versus

State of Uttaranchal

…….. Opposite Party.

Arising out of Case Crime No. 10 of 2002,
Under section 498 A/323/324/504/307 I.P.C. and ¾ Dowry Prohibition Act
Police Station-Pathari district Haridwar

By the Court

Hon'ble Irshad Hussain, J.

Heard learned counsel for the applicant and the learned A.G.A. and Sri Lokpal Singh for the complainant.

The accused applicant was released on short tern bail in view of treatment of cancer. Opportunity was given to the learned counsel for the complainant to produce evidence in regard to the allegations that the papers pertaining to the treatment are fictitious and that the applicant is not suffering from cancer. Nothing has been furnished on behalf of the complainant. Considering this, the applicant Sunil Kumar S/o Sri Rampal Singh, Resident of Village Aghyana P.S. Nakur district Saharanpur be released on short term bail for a period of three months in Case Crime No 10 of 2002 Under Section 498 A/323/324/504/307 IPC and ¾ Dowry Prohibition Act Police Station-Pathri district Haridwar on his executing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M. Haridwar.

In the bail application a paper has been furnished on behalf of the applicant showing that the Investigating Officer had submitted some report before filing of the chargesheet that the offence u/s 307 IPC, under which the FIR was registered, is not made out. It is strange that how such a paper before completion of the investigation could have been brought from the Investigating Officer. The matter needs to be reported to the higher police authority for necessary action to be taken against the Investigating Officer concerned.

(Irshad Hussain, J.)

August 07, 2002.
M.P.S.